

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VALVE CORPORATION,

Petitioner,

v.

JENNIFER A. NELSON et al.,

Respondents.

CASE NO. 2:24-cv-1717-JNW

ORDER DENYING EX PARTE
MOTION

This matter comes before the Court on Valve Corporation's ex parte motion, seeking permission to contact all 624 Respondents in this case outside the presence of their attorney(s). Dkt. No. 12. Respondents have not yet appeared and therefore cannot respond to Valve's motion. *See generally* Dkt.


"[O]ur entire jurisprudence runs counter to the notion of court action taken before reasonable notice and an opportunity to be heard has been granted both sides of a dispute." *Granny Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers Loc. No. 70*, 415 U.S. 423, 439 (1974). "By allowing both sides to have their say, the adversary system promotes accuracy, fairness, and consistency—the hallmarks of our system of justice." *In re Intermagnetics Am., Inc.*, 101 B.R. 191 (C.D. Cal. 1989).

1 These principles explain why the burden is on ex parte movants to justify “why
2 [they] should be allowed to go to the head of the line in front of all other litigants
3 and receive special treatment.” *Mission Power Eng’g Co. v. Cont’l Cas. Co.*, 883 F.
4 Supp. 488, 492 (C.D. Cal. 1995).

5 Valve has failed to justify why the Court should grant its motion before the
6 other side has appeared. This is all the more true here given that the relief
7 requested by Valve is no small matter—it wishes to communicate directly with
8 persons represented by counsel about matters in dispute and to convey options
9 about how they may proceed in pending litigation. The Rules of Professional
10 Conduct prohibit such communications unless “exceptional circumstances” warrant
11 otherwise. Washington Rules of Professional 4.2, cmt. 6.

12 Accordingly, the Court DENIES Valve’s motion with leave to renew. Dkt.
13 No. 12.

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15 Dated this 8th day of November, 2024.

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18 Jamal N. Whitehead
19 United States District Judge
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